

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42393 of 2022

Arising Out of PS. Case No.-607 Year-2018 Thana- JAYNAGAR District- Madhubani

1. PANDAV YADAV S/O RAMASHIS YADAV Resident of village- Kuyadh,
P.S.- Jaynagar, District- Madhubani.
2. BARUN YADAV S/O RAMASHIS YADAV Resident of village- Kuyadh,
P.S.- Jaynagar, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in a case registered for the offence under Sections 272, 273 and 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 327 liters 900 ml. Nepali country made liquor.

Learned counsel appearing for the petitioners submits that the petitioners is innocent and have falsely been implicated in this case. He further submits that the petitioners have been made accused in this case on the basis



of disclosure made by the co-accused, Laxami Ram, who is said to have been apprehended from the spot. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the motorcycle in question from which the petitioners have no concern in any manner. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jaynagar P.S. Case No. 607 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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